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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

(1) Writ Petition No. 1010 of 2005

The United India Insurance Co.Ltd. ..Petitioner

vs.

1. Smt.Shanaz Mohammed Gaziani
and others ..Respondents

Shri S.M.Vidyarthi for petitioner.
Shri M.B.Kotak for respondent no.4

(2) Writ Petition No.1011 of 2005

The United India Insurance Co.Ltd. ..Petitioner

vs.

1. Shri Abdul Wahab Fakir Mohammed
Shaikh and others ..Respondents

Shri S.M.Vidyarthi for petitioner.
Shri M.B.Kotak for respondent no.1.

CORAM: S.B.MHASE J.
5th May, 2006

P.C.

1. Heard the learned counsel for both sides.

2. Learned Counsel states that the insurance policy is not proper and the vehicle is not insured. However, this aspect has been dealt with by the M.A.C.Tribunal in para 9 of the order. It appears that there is an insurance the original petitioner and opponent no.2 namely the owner of the vehicle has produced on record the insurance policy No.5893 under certificate No.35601. The said policy shows that the motor vehicle no.MH-02-M-9802 was insured for a period from 21.7.2001 to 20.7.2002. There is also R.T.O. record which shows that the vehicle was insured and was showing the same numbers in respect of the policy and certificate and,

therefore, Tribunal has found that there is no substance in the contentions raised by the insurance company and has passed the order. Therefore, at this stage looking to the policy of the Act that the dependents of the persons who suffered accident have to be rendered immediate help under "no fault liability" it will be inappropriate to entertain the writ petition at this stage. However, in case it is found that the insurance policy is not correct there will be liability for the insurance company and it will be open for the insurance company to proceed as against the owner of the vehicle for recovery of the amount. No interference is called for in the petitions. Petitions are rejected.

(S.B.MHASE J.)